

Article - State Government

[\[Previous\]](#)[\[Next\]](#)

§18–201.

(a) In this subtitle the following words have the meanings indicated.

(b) “Acknowledgment” means a declaration by an individual before a notarial officer that:

(1) the individual has signed a record for the purpose stated in the record; and

(2) if the record is signed in a representative capacity, the individual signed the record with proper authority and signed it as the act of the individual or entity identified in the record.

(c) “Communication technology” means an electronic device or process that:

(1) allows a notary public and a remotely located individual to communicate with each other simultaneously by sight and sound; and

(2) when necessary under and consistent with other applicable law, facilitates communication with a remotely located individual who has a vision, hearing, or speech impairment.

(d) “Credential analysis” means a process or service by which a third party confirms the validity of an identification credential by a review of public or private data sources.

(e) “Electronic” means technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(f) “Electronic signature” means an electronic symbol, sound, or process attached to or logically associated with a record and executed or adopted by an individual with the intent to sign the record.

(g) “Foreign state” means a jurisdiction other than the United States, a state, or a federally recognized Indian tribe.

(h) “Identity proofing” means a process or service by which a third party provides a notary public with a means to verify the identity of a remotely located individual by a review of personal information from public or private data sources.

(i) “In a representative capacity” means acting as:

(1) an authorized officer, agent, partner, trustee, or other representative for a person other than an individual;

(2) a public officer, personal representative, guardian, or other representative, in the capacity stated in a record;

(3) an agent or attorney-in-fact for a principal; or

(4) an authorized representative of another in any other capacity.

(j) (1) “Notarial act” means an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the laws of the State.

(2) “Notarial act” includes:

(i) taking an acknowledgment;

(ii) administering an oath or affirmation;

(iii) taking a verification on oath or affirmation;

(iv) witnessing or attesting a signature;

(v) certifying or attesting a copy; and

(vi) noting a protest of a negotiable instrument.

(k) “Notarial officer” means a notary public or other individual authorized to perform a notarial act.

(l) “Notary public” means an individual appointed and commissioned to perform a notarial act.

(m) “Official stamp” means:

(1) a physical image affixed to or embossed on a tangible record; or

(2) an electronic image attached to or logically associated with an electronic record.

(n) “Record” means information that is:

- (1) inscribed on a tangible medium; or
- (2) stored in an electronic or other medium and is retrievable in perceivable form.

(o) “Remote presentation” means transmission to a notary public through communication technology of an image of an identification credential that is of sufficient quality to enable the notary public to reasonably identify the individual and to perform credential analysis.

(p) “Remotely located individual” means an individual who is not in the physical presence of the notary public who performs a notarial act.

(q) “Sign” means, with present intent to authenticate or adopt a record, to:

- (1) execute or adopt a tangible symbol; or
- (2) attach to or logically associate with the record an electronic symbol, sound, or process.

(r) “Signature” means a tangible symbol or an electronic signature that evidences the signing of a record.

(s) “Stamping device” means:

- (1) a physical device capable of affixing an official stamp to or embossing an official stamp on a tangible record; or
- (2) an electronic device or process capable of attaching an official stamp to or logically associating an official stamp with an electronic record.

(t) “Verification on oath or affirmation” means a declaration made by an individual on oath or affirmation before a notarial officer that a statement in a record is true or that a remotely located individual has the identity claimed.

[\[Previous\]](#)[\[Next\]](#)